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9 Attorneys for Defendant Jaime Cardenas

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 JAIME CARDENAS,
17 Defendant.

Case No. CR-12-00336-LHK

STIPULATION TO CONTINUE
STATUS CONFERENCE FROM
OCTOBER 3, 2012 TO OCTOBER 24,
2012 AT 9:00 AM

AND

~~PROPOSED~~ ORDER

18 IT IS HEREBY STIPULATED between the parties, subject to the Court's approval that the
19 status conference currently scheduled for October 3, 2010 at 9:00 am is continued until October 24,
20 2012 at 9:00 am for a change in plea hearing.

21 In support of this stipulation, counsel for Mr. Cardenas informs the Court of the following:

22 1. On May 9, 2012, the United States charged Mr. Cardenas with the distribution of
23 methamphetamine in Salinas, California. Mr. Cardenas is out of custody, supervised by Pre-Trial
24 Services.

25 2. During a status conference on August 29, 2012, counsel for Mr. Cardenas informed
26 the Court that counsel was continuing to investigate the case, and that additional time was required
27 for such investigation.

28 3. At the August 29, 2012, status conference the parties discussed potential dates for

1 further status conference, and the Court and the parties agreed to a further status conference on
2 October 3, 2012, although undersigned counsel for Mr. Cardenas expressed some potential
3 challenges with the proposed date. Undersigned counsel's hesitation to select the October 3 date
4 related to a previously set hearing on October 2, 2012, in Los Angeles Superior Court and previously
5 scheduled meetings in New York set to begin the evening of October 3, 2012.

6 . 7. Since the August 29, 2012 status conference, undersigned counsel for Mr. Cardenas
7 has completed his investigation. Counsel for Mr. Cardenas has also informed the government that
8 Mr. Cardenas intends to change his plea in the matter. Undersigned counsel has requested to
9 continue the date for the change in plea to accommodate his travel schedule and prepare for the
10 change-in-plea hearing.

11 8. After confirming with the Court's Courtroom Deputy, Government counsel has
12 stipulated to the continuance of the hearing from October 3, 2012 at 9:00 am to October 24, 2012 at
13 9:00 am.

14 9. The parties stipulate that the time between October 3, 2012 and October 24, 2012 is
15 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the
16 requested continuance would reasonably deny defense counsel reasonable time necessary for
17 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

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1 that the ends of justice served by granting the requested continuance outweigh the best interest of the
2 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.
3 18 U.S.C. §§ 3161(h)(7)(A) and B(iv).

4 Dated: October 1, 2012

Respectfully submitted,

5 BAKER & McKENZIE LLP

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7 By: /s/ Scott H. Frewing

8 Scott H. Frewing
9 Attorney for Defendant Jaime Cardenas

10 Dated: October 1, 2012

Respectfully submitted,

11 BAKER & McKENZIE LLP

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13 By: /s/ Ann Marie Ursini

14 Ann Marie Ursini
15 Special Assistant United States Attorney

16 **[PROPOSED] ORDER**

17 The hearing on October 3, 2012 at 9:00 am is continued until October 10, 2012 at 9:00 am.

18 It is so ORDERED.

19 Dated:

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21 By:

Lucy H. Koh
District Court Judge

22 October 3, 2012 hearing is continued to October 24, 2012
23 Basis for excludable time finding is continuity
24 of defense counsel per 18 USC 3161(h)(7)(A) + (B)(iv).
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26
27 Dated: 10/2/12
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Lucy H. Koh

U.S. District Judge